

Docket No.: 283987US2X PCT/phm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Motoichi OHTSU, et al.

SERIAL NUMBER: 10/563,626

GROUP: 2886

FILED: September 11, 2006

EXAMINER: NGUYEN, SANG H.

FOR: PHOTO-DETECTION DEVICE AND METHOD

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowability of April 9, 2009, Applicants respectfully submit the following comments:

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowability mailed April 9, 2009, the examiner states:

"The following is an examiner's statement of reasons for allowance:


As independent to claims 1 and 13 are allowed over the prior art of record, taken alone or in combination, fails discloses or render obvious a light detecting apparatus and method comprising all the specific elements with the specific combination including of to the in combination with rest of the limitation of a probe controller that switches the apparatus between broad range measurement mode and high resolution measurement mode by controlling a distance between the distal end of said optical fiber probe and said surface for measurement, wherein said broad range measurement mode exploits the light propagated through a core of said optical fiber probe and said high resolution measurement mode exploits near-field light seeping from said core of said optical fiber probe independent claims 1 and 13." (emphasis added).

While the examiner's reasons for allowance may apply with respect to independent Claim 1 and Claims 3 and 6-12 that depend thereon, it is submitted that independent Claim 13 and Claims 15, 16 and 18-24 that depend thereon recite a light detecting method and are not limited to the limitations recited in independent Claim 1 such as a probe controller, for example, as may be implied and/or inferred by the examiner's statement.

Accordingly, Applicants disagree with the Reasons for Allowance stated with respect to method Claims 13, 15, 16 and 18-24 which are patentable by virtue of the limitations recited therein.

Respectfully Submitted,

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